SUPPORT FOR THE AMENDMENTS

Claims 1, 3, 4, and 8 have been canceled.

Claims 2 and 5-7 have been amended.

Claim 9 has been added.

The amendment to Claims 2 and 5-7 and the addition of Claim 9 is supported by original Claims 1-8.

No new matter has been added by the present amendment.

REMARKS

Claims 2, 5-7, and 9 are pending in the present application.

The rejection of Claim 2 under 35 U.S.C. §112, second paragraph, is obviated by amendment.

Applicants make no statement with respect to the propriety of this ground of rejection and in no way acquiesce to the same. Solely to expedite examination of this application, Applicants have limited the scope of the "compound capable of binding to glycoprotein IIb/IIIa" in Claim 2 to compounds represented by formula (IV). Accordingly, this ground of rejection is believed to be moot.

Withdrawal of this ground of rejection is requested.

The rejections of: (a) Claims 1 and 7 under 35 U.S.C. §102(b) over Lister-James; (b) Claims 1, 4, 5, 7, and 8 under 35 U.S.C. §102(b) over DeGrado et al; and (c) Claims 1, 4, and 7 under 35 U.S.C. §102(b) over Srinivasan et al, are obviated by amendment.

Applicants make no statement with respect to the propriety of this ground of rejection and in no way acquiesce to the same. Solely to expedite examination of this application, Applicants have limited the scope of the "compound capable of binding to glycoprotein IIb/IIIa" in Claim 2 to compounds represented by formula (IV). None of Lister-James, DeGrado et al, or Srinivasan et al disclose or suggest a compound represented by formula (IV). Accordingly, this ground of rejection is believed to be moot.

Withdrawal of these grounds of rejection is requested.

The rejection of Claims 1, 2, 6, and 7 under 35 U.S.C. §102(e) over Katano et al is respectfully traversed.

The Examiner points to column 2 and column 3, lines 1-32 of Katano et al as anticipating the compound of formula (IV) in the claimed invention. Applicants disagree.

In order to anticipate the claims, the claimed subject matter must be disclosed in the reference with "sufficient specificity to constitute an anticipation under the statute." What constitutes a "sufficient specificity" is fact dependent. If the claims are directed to a narrow range, and the reference teaches a broad range, depending on the other facts of the case, it may be reasonable to conclude that the narrow range is not disclosed with "sufficient specificity" to constitute an anticipation of the claims. See, e.g., *Atofina v. Great Lakes Chem. Corp*, 441 F.3d 991, 999, 78 USPQ2d 1417, 1423 (Fed. Cir. 2006) The question of "sufficient specificity" is similar to that of "clearly envisaging" a species from a generic teaching. See MPEP § 2131.02.

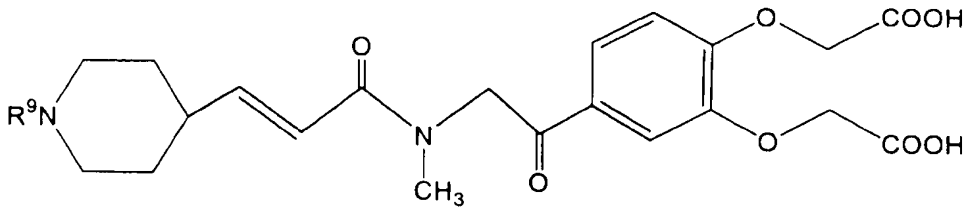
Applicants submit that based on the overly broad disclosure at column 2 and column 3, lines 1-32 of Katano et al and the failure to exemplify any compounds within the scope of formula (IV) in the claimed invention (e.g., a compound where the "C_{2-6} alkenylene at B is -CH=CH-), Katano et al fails to disclose a compound of formula (IV) in the claimed invention with sufficient specificity so as to anticipate the claimed invention.

Withdrawal of this ground of rejection is requested.

The rejection of Claims 1, 2, and 4-8 under 35 U.S.C. §103(a) over DeGrado et al in view of Katano et al is respectfully traversed.

For the reasons given above, Applicants submit that neither DeGrado et al nor Katano et al sufficiently disclose or suggest a compound of formula (IV) in the claimed invention.

Further, in the disclosure of DeGrado et al the only exemplified radionuclides are ^{125}I, ^{99m}Tc and ^{111}In, which are not positron-emitting radionuclides and are detected using SPECT. Thus, at no point does DeGrado et al and/or Katano et al disclose or suggest a contrast medium for thrombus that comprises, as an active substance, a substance obtained by labeling a compound capable of binding to glycoprotein IIb/IIIa selected from compounds represented by formula (IV):



(IV)

wherein R^9 represents a hydrogen atom or an amino protective group, wherein the compound capable of binding to glycoprotein IIb/IIIa is labeled with a positron emitting isotope; and a physiologically acceptable salt thereof. (Claim 2)

Further, Applicants submit that the importance of the labeling of the compound represented by formula (IV) labeled with a positron emitting isotope (e.g., ^{11}C) is clearly illustrated in the specification as filed. Specifically, in Examples 21 and 22 (pages 38-40 of the specification) Applicants have shown that the contrast mediums of Production Example 21 and 22 were accumulated in the thrombus with the ratio of approximately 24-fold and 4.8-fold (relative to blood) as well as approximately 95-fold and 16-fold (relative to muscle), respectively (see Table 2 on page 40 of the specification). Therefore, the contrast medium for thrombus of the present invention is demonstrated to specifically bind to the thrombus. This result is important in that with the present invention it is now "possible to carry out the PET imaging of thrombus with low background noise and high resolution." (page 40, lines 11-12 of the specification)

"Evidence of unobvious or unexpected advantageous properties, such as superiority in a property the claimed compound shares with the prior art, can rebut *prima facie* obviousness. "Evidence that a compound is unexpectedly superior in one of a spectrum of common properties . . . can be enough to rebut a *prima facie* case of obviousness." No set number of examples of superiority is required. *In re Chupp*, 816 F.2d 643, 646, 2 USPQ2d 1437, 1439 (Fed. Cir. 1987)" Thus, the experimental data discussed above from the specification clearly illustrates that substantial benefits flowing from the claimed method, which are enough to rebut a *prima facie* case of obviousness.

Withdrawal of this ground of rejection is requested.

Applicants respectfully submit that the above-identified application is now in condition for allowance, and early notice thereof is earnestly solicited.

Respectfully submitted,

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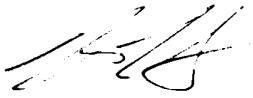
MAIER & NEUSTADT, L.L.P.
Norman F. Oblon



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